

2024 Regular Session

HOUSE BILL NO. 380

BY REPRESENTATIVES ZERINGUE, GREEN, JACKSON, NEWELL, AND THOMPSON

COURTS: Provides relative to electronic filings

1 AN ACT

2 To amend and reenact R.S. 13:754(A) through (D) and (F) and 850(A), Code of Civil
3 Procedure Article 253(B) and (D), and Code of Criminal Procedure Article 14.1(A)
4 and (F) and to enact Code of Civil Procedure Article 253(I) and Code of Criminal
5 Procedure Article 14.1(G), relative to electronic filings; to provide relative to the
6 membership and duties of the Louisiana Clerks' Remote Access Authority; to
7 provide relative to electronic filing standards and requirements; to provide relative
8 to facsimile transmissions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 13:754(A) through (D) and (F) and 850(A) are hereby amended and
11 reenacted to read as follows:

12 §754. Louisiana Clerks' Remote Access Authority; membership; board of
13 commission; statewide portal

14 A. There is hereby created the Louisiana Clerks' Remote Access Authority
15 which shall be referred to as ~~the~~ "LCRAA".

16 B. ~~The~~ LCRAA shall provide for infrastructure, governance, standard
17 operating procedures, technology, maintenance, and training to support a statewide
18 portal with a universal interface for secure remote access by internet users to certain
19 records maintained by LCRAA members. ~~and~~ LCRAA shall provide assistance to
20 LCRAA members in procuring, implementing, enhancing, and maintaining
21 equipment, supplies, and services related to technology to facilitate electronic
22 transactions and communications and to disseminate information to the public, to

1 facilitate the operations of any member during any declared emergency, and to
2 provide for document preservation. Every district clerk of court shall facilitate
3 electronic filing, recording, and remote access through the LCRAA portal by January
4 1, 2026. LCRAA shall work with the district clerks of court to achieve the goal of
5 electronic filing, recording, and remote access through the universal interface on the
6 statewide portal maintained by LCRAA.

7 C.(1) ~~The LCRAA shall be composed of members who are district clerks of~~
8 ~~court to provide the LCRAA with secure remote access to indices of certain records~~
9 ~~maintained by each district clerk of court. LCRAA shall adopt rules permitting~~
10 ~~additional district clerks of court to enroll as members of LCRAA on a schedule~~
11 ~~which shall include at least one enrollment period per fiscal year. Every district~~
12 ~~clerk of court shall become a member of LCRAA by July 1, 2020. LCRAA shall~~
13 ~~provide the legislature, prior to the convening of the 2020 Regular Session, with a~~
14 ~~written progress report that includes a list of participating clerks of court by parish~~
15 ~~and a list of clerks of court by parish not yet participating, an overview of the~~
16 ~~information currently available through LCRAA, and information on the availability~~
17 ~~of online records of each clerk of court by parish.~~

18 D.~~(1)~~(2) The LCRAA shall be governed by a seven-member board of
19 commissioners, referred to in this Section as the "board", and consists of the
20 following members:

21 (a) Five commissioners to be elected by the LCRAA from the LCRAA
22 membership.

23 (b) One commissioner to be designated by the Louisiana Bankers
24 Association (LBA).

25 (c) One commissioner to be designated by the Louisiana Land Title
26 Association (LLTA) or the Louisiana Association of Independent Land Title Agents
27 (LAILTA). The commissioners from each association shall serve for a one-year
28 term, alternating between the two associations. The designee of the LAILTA shall
29 serve as the initial commissioner with the term beginning July 1, 2014, and ending

1 June 30, 2015. The term for the designee of the LLTA shall begin on July 1, 2015,
2 and end on June 30, 2016.

3 ~~(2)~~ (3)(a) Board members elected by the LCRAA and elected by the LBA
4 shall serve two-year terms. The initial term shall begin on July 1, 2014, and shall
5 end on June 30, 2016.

6 (b) Board members shall be eligible for election to succeeding terms without
7 limit.

8 (c) Any expired term or vacancy on the board of LCRAA shall be filled in
9 the same manner as the original appointment.

10 ~~(3)~~ (4) The board shall elect from its members a chair, a vice chair, a
11 secretary, a treasurer, and such other officers as it may deem necessary. The duties
12 of the officers shall be fixed by the by-laws adopted by LCRAA.

13 ~~(4)~~ (5) The members of the board shall serve without compensation but shall
14 be reimbursed for their reasonable expenses directly related to the governance of
15 LCRAA.

16 ~~(5)~~ (6) The domicile of LCRAA shall be in East Baton Rouge Parish.

17 D. Every clerk of court shall provide the following information to LCRAA,
18 which shall be compiled by LCRRA and submitted to the legislature no later than
19 January 1, 2025:

20 (1) The case management system or docket system software and software
21 vendor used by each parish clerk of court.

22 (2) The number and percentage of remote electronic filings and physical
23 filings of pleadings converted to electronic image by each parish clerk of court.

24 (3) The capability of the case management system or docket system of each
25 parish clerk of court to accept electronic signatures by judges and the extent of the
26 use of electronic signature systems by judges of the court.

27 (4) The costs charged by each clerk of court to persons for electronic filing
28 of civil and criminal pleadings and the amounts charged to access, view, and

1 download images of pleadings via an electronic case management system or docket
2 system.

3 (5) The costs charged by each clerk of court for electronic recording of
4 documents effecting land titles.

5 (6) The cost charged by each clerk of court to access, view, or obtain copies
6 of electronic images or paper copies of electronic images of documents in the land
7 title database.

8 * * *

9 F.(1) Beginning September 1, 2014, members of LCRAA shall collect a fee
10 of five dollars per recording of which no more than three dollars shall be remitted to
11 ~~the~~ LCRAA and ~~two dollars~~ the remainder shall be retained by the member to fund
12 costs related to participation in the statewide portal, including but not limited to
13 acquiring hardware and software and providing document preservation. The fees
14 shall be remitted to LCRAA by the tenth day of the month following collection.
15 LCRAA shall use the fees received solely for the purposes set forth in this
16 ~~Subsection~~ Section.

17 (2) Any user fee received by LCRAA shall be used for administering and
18 maintaining the statewide portal and a ~~promoted~~ share, as determined by LCRAA,
19 may be paid to members ~~based upon the public access to the records provided by the~~
20 ~~member.~~

21 ~~(3) If the statewide portal is not operational by August 31, 2017, the~~
22 ~~additional five dollar fee shall cease to be collected.~~

23 * * *

24 §850. Facsimile transmission; filings in civil actions; fees; equipment and supplies

25 A. ~~Any~~ Until January 1, 2026, any document in a civil action may be filed
26 with the clerk of court by facsimile transmission. All clerks of court shall make
27 available for their use equipment to accommodate facsimile filing in civil actions,
28 and the clerks of court shall not intentionally turn off or disconnect the equipment
29 used to receive facsimile filings. Filing shall be deemed complete on the date and

1 time indicated on the clerk of court facsimile transmission receipt. No later than on
 2 the first business day after receiving a facsimile filing, the clerk of court shall
 3 transmit to the filing party via facsimile a confirmation of receipt and include a
 4 statement of the fees for the facsimile filing and filing of the original document. The
 5 facsimile filing fee and transmission fee are incurred upon receipt of the facsimile
 6 filing by the clerk of court and payable as provided in Subsection B of this Section.
 7 The facsimile filing shall have the same force and effect as filing the original
 8 document, if the filing party complies with Subsection B of this Section.

9 * * *

10 Section 2. Code of Civil Procedure Article 253(B) and (D) are hereby amended and
 11 reenacted and Code of Civil Procedure Article 253(I) is hereby enacted to read as follows:

12 Art. 253. Pleadings, documents, and exhibits to be filed with clerk

13 * * *

14 ~~B. The filings as provided in Paragraph A of this Article and all other~~
 15 ~~provisions of this Chapter may be transmitted electronically in accordance with a~~
 16 ~~system established by a clerk of court or by Louisiana Clerks' Remote Access~~
 17 ~~Authority.~~ B. On and after January 1, 2026, all filings as provided in Paragraph A
 18 of this Article and all other provisions of this Chapter filed by an attorney shall be
 19 transmitted electronically in accordance with a system established by a clerk of court
 20 or by Louisiana Clerks' Remote Access Authority. The filer shall be responsible for
 21 ensuring private information is not included in filings. No filing shall include the
 22 first five digits of any social security number, tax identification numbers, state
 23 identification numbers, driver's license numbers, financial account numbers, full
 24 dates of birth, or any information protected from disclosure by state or federal law.

25 When such a system is established, the clerk of court shall adopt and implement
 26 procedures for the electronic filing and storage of any pleading, document, or
 27 exhibit, and the official record shall be the electronic record. A pleading or
 28 document filed electronically is deemed filed on the date and time stated on the
 29 confirmation of electronic filing sent from the system, if the clerk of court accepts

1 the electronic filing. Public access to electronically filed pleadings and documents
2 shall be in accordance with the rules governing access to paper filings. The clerk of
3 court may convert into an electronic record any pleading, document, or exhibit as set
4 forth in R.S. 44:116. The ~~originals~~ official records of conveyances shall be
5 preserved by the clerk of court.

6 * * *

7 D. ~~Any~~ Until January 1, 2026, any pleading or document in a traffic or
8 criminal action may be filed with the court by facsimile transmission in compliance
9 with the provision of the Code of Criminal Procedure Article 14.1.

10 * * *

11 I. Upon adoption of uniform filing standards by the LCRAA, no clerk of
12 court shall accept a filing not in accordance with said standards.

13 * * *

14 Section 3. Code of Criminal Procedure Article 14.1(A) and (F) are hereby amended
15 and reenacted and Code of Criminal Procedure Article 14.1(G) is hereby enacted to read as
16 follows:

17 Art. 14.1. Filing of pleadings and documents by facsimile or electronic transmission

18 A. ~~Any~~ Until January 1, 2026, any document in a traffic or criminal action
19 may be filed with the clerk of court by facsimile transmission if permitted by the
20 policy of the clerk of court. Filing shall be deemed complete at the time the
21 facsimile transmission is received by the clerk of court. No later than on the first
22 business day after receiving a facsimile filing, the clerk of court shall transmit to the
23 filing party via facsimile a confirmation of receipt and include a statement of the fees
24 for the facsimile filing and filing of the original document. The facsimile filing fee
25 and transmission fee are incurred upon receipt of the facsimile filing by the clerk of
26 court and payable as provided in Paragraph B of this Article. The facsimile filing
27 shall have the same force and effect as filing the original document, if the party
28 complies with Paragraph B of this Article.

29 * * *

1 F. Upon adoption of uniform filing standards by the LCRAA, no clerk of
 2 court shall accept a filing not in accordance with the standards adopted by the
 3 LCRAA.

4 ~~F. The~~ G. Beginning January 1, 2027, all filings as provided in this Article
 5 and all other provisions of this Code ~~may~~ filed by an attorney shall be transmitted
 6 electronically in accordance with a system established by a clerk of court or by the
 7 Louisiana Clerks' Remote Access Authority. The filer shall be responsible for
 8 ensuring private information is not included in filings. No filing shall include the
 9 first five digits of any social security number, tax identification numbers, state
 10 identification numbers, driver's license numbers, financial account numbers, full
 11 dates of birth, or any information protected from disclosure by state or federal law.

12 When such a system is established, the clerk of court shall adopt and implement
 13 procedures for the electronic filing and storage of any pleading, document, or
 14 exhibit. Furthermore, in a parish that accepts electronic filings covered under this
 15 Paragraph, the official record shall be the electronic record. A pleading or document
 16 filed electronically is deemed filed on the date and time stated on the confirmation
 17 of electronic filing sent from the system, if the clerk of court accepts the electronic
 18 filing. Public access to electronically filed pleadings and documents shall be in
 19 accordance with the rules governing access to written filings.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 380 Reengrossed

2024 Regular Session

Zeringue

Abstract: Provides relative to electronic civil and criminal case filings.

Present law creates the Louisiana Clerks' Remote Access Authority (LCRAA) to provide for infrastructure, governance, standard operating procedures, technology, and training to support a statewide portal for secure remote access by internet users to certain records maintained by LCRAA members, to provide assistance to LCRAA members in procuring, implementing, enhancing, and maintaining equipment, supplies, and services related to technology to facilitate electronic transactions and communications, and to disseminate information to the public, to facilitate the operations of any member during any declared emergency, and to provide for document preservation.

Proposed law retains present law and adds the requirement of maintenance in order to support a statewide portal with a universal interface system for secure remote access by internet users to certain records maintained by LCRAA members.

Proposed law requires every district clerk of court to have the electronic filing system in place no later than Jan. 1, 2026.

Proposed law requires LCRAA to use the filing fee collected by LCRAA to maintain the electronic filing system.

Present law provides for the membership of the LCRAA board.

Proposed law retains present law.

Proposed law requires every clerk of court to submit information regarding electronic filing system capabilities and costs to LCRAA and further requires LCRAA to compile and submit the information to the legislature no later than Jan. 1, 2025.

Present law allows for any document in a civil, traffic, or criminal action to be filed with the clerk of court by facsimile transmission.

Proposed law allows for any document in a civil, traffic, or criminal action to be filed with the clerk of court by facsimile transmission until Jan. 1, 2026.

Present law allows for any document in a civil, traffic, or criminal action to be filed electronically in accordance with a system established by a clerk of court or LCRAA.

Proposed law requires, beginning Jan. 1, 2026, that all documents in a civil, traffic, or criminal action filed by an attorney be transmitted electronically in accordance with a system established by a clerk of court or LCRAA.

Proposed law requires, beginning Jan. 1, 2027, that all filings as provided in present law and all other provisions of present law filed by an attorney shall be transmitted electronically in accordance with a system established by a clerk of court or by Louisiana Clerks' Remote Access Authority.

Proposed law provides that upon adoption of uniform filing standards by the LCRAA, no clerk of court shall accept a filing not in accordance with the standards, and prohibits including certain private information in the filings.

(Amends R.S. 13:754(A)-(D) and (F) and 850(A), C.C.P. Art. 253(B) and (D), and C.Cr.P. Art. 14.1(A) and (F); Adds C.C.P. Art. 253(I) and C.Cr.P. Art. 14.1(G))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Add the requirement of maintenance in order to support a statewide portal with a universal interface system for secure remote access by internet users to certain records maintained by LCRAA members.
2. Provide that the LCRAA adopt the uniform filing standards.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.

2. Add commencement date to filing requirements relative to attorneys.
3. Add requirement to ensure certain private information is not included in the filings.